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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,590	12/31/2001	Aaron M. Tsirkel	P11678	4021

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INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA, CA 95056-5326

EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,590	TSIRKEL ET AL.	
	Examiner	Art Unit	
	Regina Liang	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-22,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-22,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1, 9, 10, 13-19, 22, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kochanski (US. PAT. NO. 5,854,661) in view of Shimomura et al (US. PAT. NO. 5,406,305 hereinafter Shimomura).

As to claims, 1, 10, 19, Kochanski discloses a system comprising a camera is connected to a control unit capable of image processing and of adjusting the images displayed on the display screen. Figs. 1 and 2 of Kochanski discloses a computer system comprising a camera (12), a display screen (20), a brightness of which is to be adjusted in response to measured ambient light. Kochanski also teaches the ambient light is measured by analyzing the images captured by the camera to determine a position of a user if the user is present and the ambient light in a vicinity of the user (see col. 3, line 1 to col. 4, line 31 for example). Kochanski does not disclose the display screen brightness is adjusted within pre-defined limits. However, Shimomura teaches a display device having a capability of automatically controlling the luminance at the screen in response to a change in intensity of ambient light falling on the screen, wherein the adjustable range of the screen luminance falling within the specific range is necessary for the display screen to provide a satisfactory viewability acceptable to human eyes (e.g., col. 3, lines 6-34). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kochanski to adjust the screen brightness within a pre-defined limits as taught by Shimomura so as to provide a display of illegible characters and/or

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images comfortable to view, thereby contributing to an increase in work efficiency while minimizing the possibility of eye fatigue (col. 9, lines 12-16 of Shimomura).

As to claim '13, Kochanski teaches the ambient light is to be measured in a vicinity of a user.

As to claims 9, 18, 26, Kochanski teaches using the camera (12) to capture the images (this corresponds the camera is to enable a video imaging functions).

As to claims 14 and 15, Kochanski teaches the computer system having storing instructions for adjusting the brightness of the display screen or for analyzing the image as claimed (e.g., see the abstract of Kochanski).

As to claims 16, 17, 22, and 25, Kochanski teaches the analysis of the image including determining a luminance of the image, or determining a user position in the image (see col. 3, line 1 to col. 4, line 31, and col. 4, lines 51-57 of Kochanski).

3. Claims 2, 3, 6-8, 11, 12, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kochanski and Shimomura as applied to claims 1, 10, 19 above, and further in view of Helms (US. PAT. NO. 5,952,992).

As to claims 2, 3, 11, 20, Kochanski as modified by Shimomura does not disclose the brightness of the display screen is to be increased in response to measuring an increase in the ambient light and proportional to the increase in the measured ambient light or the brightness of the display screen is to be decreased in response to measuring a decrease in the ambient light and proportional to the decrease in the measured ambient light. However, Helms teaches a display brightness control system comprising increasing the brightness of the display screen if an

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increase in the ambient light, or decreasing the brightness of the display screen if the ambient light decreased (col. 1, lines 51-55, col. 2, lines 38-39). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the Kochanski as modified by Shimomura to have the brightness control feature as taught by Helms so as to automatically adjust the brightness of the display screen responsive to the amount of ambient light available during operation thereof and to save power.

As to claim 12, Kochanski as modified by Shimomura and Helms does not disclose decreasing the brightness of the display screen if the ambient light increases. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kochanski as modified by Shimomura and Helms to decrease the brightness of the display screen if the ambient light increased to save power.

As to claims 6 and 7, Helms teaches the brightness control circuitry having a lookup table (col. 3, lines 44-50), which reads on storage device storing measurement code and adjustment code to be executed by the computer system as claimed.

As to claim 8, Kochanski teaches a storage device (memory 14, 16) stores user position information to be executed by the computer system as claimed.

As to claim 21, Kochanski as modified by Shimomura and Helms does not disclose increasing the brightness if the ambient light decreased. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kochanski as modified by Shimomura and Helms to increase the brightness of the display screen if the ambient light decreases to provide visibility and reduce eye fatigue.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sukthankar et al (US. PAT. NO. 6,704,447) teaches a computer-assisted device for analyzing the surroundings of a display device.


Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 6-22, 25, 26 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (703) 305-4719. The examiner can normally be reached on Monday-Friday from 9AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


REGINA LIANG
PRIMARY EXAMINER
ART UNIT 2674

RL
10/15/04